

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE**

<b>JOHN DOE #1-9,</b>	)	<b>Case Nos. 3:21-cv-00590,</b>
	)	<b>3:21-cv-00593,</b>
<b>Plaintiffs,</b>	)	<b>3:21-cv-00594,</b>
	)	<b>3:21-cv-00595,</b>
<b>v.</b>	)	<b>3:21-cv-00596,</b>
	)	<b>3:21-cv-00597,</b>
<b>WILLIAM B. LEE, in his official capacity as Governor of the State of Tennessee, and</b>	)	<b>3:21-cv-00598,</b>
	)	<b>3:21-cv-00624,</b>
	)	<b>3:21-cv-00671</b>
<b>DAVID B. RAUSCH, in his official Capacity as Director of the Tennessee Bureau of Investigation,</b>	)	
	)	<b>Judge Aleta A. Trauger</b>
<b>Defendants.</b>	)	

---

**JOINT MOTION TO EXTEND RESPONSE DEADLINE TO AND  
DEFER RULING ON  
PLAINTIFFS' BILLS OF COSTS AND MOTION FOR ATTORNEY'S FEES**

---

Plaintiffs and Defendants respectfully move the Court to extend the deadline for Defendants to respond to Plaintiffs bills of costs and motion for attorneys' fees and to defer ruling on these bills and this motion until after resolution of the appeal in this litigation. "If an appeal on the merits of the case is taken, the court may rule on the claim for fees, may defer its ruling on the motion, or may deny the motion without prejudice, directing under subdivision (d)(2)(B) a new period for filing after the appeal has been resolved." *McLemore v. Gumucio*, No. 3:19-CV-00530, 2022 WL 1394540, at \*4 (M.D. Tenn. May 3, 2022) (quoting Fed. R. Civ. P. 54.)

Plaintiffs filed bills of costs in all nine of the consolidated cases in *Does #1-9* on March 30, 2023, and filed a motion for attorneys' fees in the primary case on March 31, 2023. (D.E. 140,

142, 143.) Defendants' responses to the bills of costs are due on April 13, 2023, and their response to the motion for attorneys' fees is due April 14, 2023. Local Rule 54.01. However, on March 24, 2023, Defendants filed a notice of appeal on the consolidated docket, and that appeal is now before the Sixth Circuit. (D.E. 138, 139.)

In light of the ongoing appeal, the Parties agree that it would be the most efficient use of party and judicial resources for the Court to defer ruling on the bills of costs and motion for fees until after the Sixth Circuit's ruling on appeal. Thus, the parties respectfully request that the Court extend the deadline for Defendants to respond to the bills and motion and defer ruling on the bills and motion until after resolution of the pending appeal.

For these reasons, Plaintiffs' and Defendants' motion should be granted.

Respectfully submitted,

s/ W. Justin Adams  
W. Justin Adams  
TN BPR # 022433  
Edward M. Yarbrough  
TN BPR # 004097  
Jonathan P. Farmer  
TN BPR # 020749  
SPENCER FANE LLP  
511 Union Street, Suite 1000  
Nashville, Tennessee 37219  
Telephone: 615-238-6300  
[eyarbrough@spencerfane.com](mailto:eyarbrough@spencerfane.com)  
[jfarmer@spencerfane.com](mailto:jfarmer@spencerfane.com)  
[wjadams@spencerfane.com](mailto:wjadams@spencerfane.com)  
*Counsel for Plaintiffs*

JONATHAN SKRMETTI  
Attorney General and Reporter

s/ Miranda Jones  
MIRANDA JONES  
Assistant Attorney General  
B.P.R. No. 36070

COURTNEY N. ORR  
Senior Assistant Attorney General  
B.P.R. No. 33955  
CODY N. BRANDON  
Assistant Attorney General  
B.P.R. No. 37504  
GABRIEL KRIMM  
Assistant Solicitor General  
B.P.R. No. 036087  
Office of the Tennessee Attorney General  
and Reporter  
P.O. Box 20207  
Nashville, Tennessee 37202-0207  
Off. (615) 521-0417  
Fax (615) 532-4892  
[Miranda.Jones@ag.tn.gov](mailto:Miranda.Jones@ag.tn.gov)  
[Courtney.Orr@ag.tn.gov](mailto:Courtney.Orr@ag.tn.gov)  
[Cody.BRANDON@ag.tn.gov](mailto:Cody.BRANDON@ag.tn.gov)  
[Gabriel.Krimm@ag.tn.gov](mailto:Gabriel.Krimm@ag.tn.gov)  
*Counsel for Defendants*

#### **CERTIFICATE OF SERVICE**

I hereby certify that on April 10, 2023, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system on all parties:

W. Justin Adams  
TN BPR # 022433  
Edward M. Yarbrough  
TN BPR # 004097  
Jonathan P. Farmer  
TN BPR # 020749  
SPENCER FANE LLP  
511 Union Street, Suite 1000  
Nashville, Tennessee 37219  
Telephone: 615-238-6300  
[eyarbrough@spencerfane.com](mailto:eyarbrough@spencerfane.com)  
[jfarmer@spencerfane.com](mailto:jfarmer@spencerfane.com)  
[wjadams@spencerfane.com](mailto:wjadams@spencerfane.com)  
*Counsel for Plaintiffs*

*s/ Miranda Jones*  
MIRANDA JONES